

FISCAL NOTE

SB 3758 - HB 3714

February 14, 2008

SUMMARY OF BILL: Creates a Class E felony for a person to possess a handgun if the person has a prior conviction classified as any Class A, B or C felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$254,500/Incarceration*

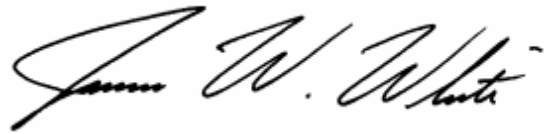
Assumptions:

- Under current law, it is a Class E felony if a person possesses a handgun and has been convicted of a felony involving the use of force or a deadly weapon, or a felony drug offense. This bill will make it a Class E felony for a person to possess a handgun that has a previous conviction for any Class A, Class B or Class C felony.
- There were 650 misdemeanor convictions statewide for illegal possession of a weapon during FY06. The Department of Correction (DOC) estimates that 50 percent (325) of those involved firearms and 10 percent (33) of those were committed by an offender with a previous Class A, Class B or Class C felony conviction not involving violence or drug offenses.
- Thirty-three offenders will be convicted of a Class E felony for illegal possession of a handgun with a previous conviction for a Class A, Class B or Class C felony offense in the first year. According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth will result in four additional offenders in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 37 offenders.
- According to the DOC, the average operating cost per inmate per day for calendar year 2008 is \$62.78. The cost per inmate at 0.3 years is \$6,879.43 (\$62.78 x 109.58 days). The additional operating cost for 37 offenders in the tenth year is \$254,538.91 (\$6,879.43 x 37).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible, and "W." in the middle.

James W. White, Executive Director

/lsc